



WORLD CUSTOMS ORGANIZATION
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HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

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PROPOSAL BY THE EC FOR AMENDMENT OF THE STRUCTURE OF HEADING 25.19

(Item II.A.14 on Agenda)

Reference documents :

42.244 RSC/18
42.500 Annex B/7 (RSC/18 – Report)
42.203 SSC/14
42.850 Annex A/8 (SSC/14 – Report)
NR0014 SSC/19

1. On 4 March 1999, the Secretariat received a note from the Canadian Administration concerning the proposal by the EC for amendment of the structure of heading 25.19. The following is an excerpt therefrom.

I. NOTE FROM CANADA

2. "...The Canadian Administration is of the opinion that the scientific observations of the SSC are instructive on this matter. Based on the information before us, we confidently conclude that there is no reliable criteria to distinguish between fused magnesia, dead-burned magnesia and the residual category in all cases. It was concluded that all the processes available to distinguish the products pose difficulties and have certain weaknesses. Also, there are no internationally agreed upon standard testing methods, the methods do not have reliable threshold values, are expensive and not available in the Customs laboratories of many administrations.
3. Canada agrees with the Secretariat and the SSC that the magnesium oxide content is an unsatisfactory criterion to differentiate between the various products covered by the scope of the proposed changes since the MgO content overlaps one another.

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4. Canada notes, in particular the SSC observation, that [specific weight measurement method] has no internationally accepted standard (Annex A/8 to Doc. 42.850 paragraph 3). In addition, the terms specific weight (bulk density), bulk density, and bulk specific gravity, are not formally internationally defined and are sometimes used interchangeably in the industry. Other things need to be kept in mind as well, for example, the fact that the specific weight of dead-burned and fused magnesia are extremely close. One should also consider those instances where dead-burned and fused magnesia are in fine granualometry form (e.g. 200 mesh or 75µm). In this situation, the bulk specific gravity measurement test cannot be applied as the product samples would be too small.
5. A crystal size criterion is unacceptable for the reasons cited by the SSC (Annex A/8 to Doc. 42.850, paragraph 4) but also for the fact that fused and dead-burned magnesia are shipped in various specialty sizes. In cases where the crystal sizes can be partly finer than 2mm for fused magnesia and for dead-burned (sintered) magnesia, classifying goods under the proposed subheadings would not be possible as these two products, in this form, are indistinguishable.
6. Surface area and porosity are not appropriate methods since MgO appears in a varying range of surface condition. In addition, no international standard exists to test and measure, in a consistent manner, such values.
7. Canada is unaware of any manufacturing method that would address all the concerns to properly distinguish the products to be covered if the proposal to amend the subheadings to heading No. 25.19 is given further consideration. It is known, however, that manufacturing methods are not easily determined by inspecting or testing a product. For example, industry has indicated that it is not always possible to distinguish dead-burned MgO produced from a natural rock source and fused magnesia derived from sea-water. This poses difficulties for classification under the proposed subheadings.
8. In view of the above, Canada is in favour of maintaining the status quo...”.

II. CONCLUSION

9. The Sub-Committee is invited to take the Canadian comments into account while examining this agenda item.
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